

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Dwight D. Keen, Chair
 Susan K. Duffy
 Andrew J. French

In the Matter of Aero Communications, LLC)
Requesting Relinquishment of Certificates of) Docket No. 23-AROT-285-CCS (CLEC)
Convenience and Authority to Provide Local)
Exchange and Interexchange Service. (CLEC))

ORDER GRANTING APPLICATION TO CANCEL CLEC CERTIFICATE

The above captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, the Commission makes the following findings and conclusions:

BACKGROUND

1. On August 29, 2022, Aero Communications, LLC (Aero) filed an Application to cancel its interexchange carrier (IXC) certificate of convenience and necessity (COC) and its competitive local exchange carrier (CLEC) COC. Aero's IXC COC was granted August 8, 2005, in Docket No. 06-AROT-039-COC and its CLEC COC was granted August 8, 2005, in Docket No. 06-AROT-038-COC. For tracking purposes, this docket will address the CLEC COC and Docket No. 23-AROT-286-CCS will address the IXC COC.

2. Aero states that it used its authority primarily to provide secure data and voice services to banks and other financial institutions. However, Aero's business model changed and it has not served any customers in the State since 2009.

3. Aero also requests cancellation of its tariffs on file with the Commission and notes that it has no outstanding reports, assessments, liens, or fines owed to the Commission.

JURISDICTION AND STANDARD OF REVIEW

4. Requests to cancel COCs are governed by K.S.A. 66-131. Such requests shall be granted if it would promote the public convenience and necessity.

STAFF'S REPORT AND RECOMMENDATION

5. The Commission Staff (Staff) submitted a Report and Recommendation (R&R) regarding Aero's Application on September 1, 2022, attached hereto as Exhibit A and made a part hereof by reference. Staff explained that Aero is current with regard to Commission assessments and Kansas Universal Service Fund (KUSF) obligations. As no customers would be adversely affected by cancellation, Staff recommended the Commission approve Aero's Application.

FINDINGS AND CONCLUSIONS

6. The Commission finds Staff's recommendation to be reasonable and hereby adopts the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Aero's Application filed August 29, 2022, is granted. Aero's CLEC COC is hereby cancelled. Aero's tariffs on file with the Commission are also cancelled.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. § 77-529(a)(1).¹

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 09/08/2022

¹K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

Lynn M. Retz

Lynn M. Retz
Executive Director

MRN

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

FROM: Hemant Bhagat, Senior Telecommunications Analyst
Sandy Reams, Assistant Chief of Telecommunications
Bryan Seamans, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: September 1, 2022

RE: Docket No 23-AROT-285-CCS

In the Matter of the Application of Aero Communications, LLC Requesting for Relinquishment of Certificates of Convenience and Authority to Provide Local Exchange and Interexchange Service (CLEC).

EXECUTIVE SUMMARY:

On August 29, 2022, Aero Communications, LLC (Aero) filed a letter asking the Commission to cease its Certificate of Convenience and Authority to provide Competitive Local Exchange Carrier (CLEC) service in Kansas. Aero also requested cancellation of its tariffs on file with the Commission. Staff recommends approval of this request.

BACKGROUND:

The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 66-1,188 and K.S.A. 66-2005(z). The Commission derives its authority to certificate and de-certificate public utilities from K.S.A. 66-131.

Pursuant to K.S.A. 66-131, the Commission must review all certification and de-certification applications to determine whether the “public convenience” will be promoted by granting the request.

ANALYSIS:

The Company was granted a certificate to provide CLEC service on August 8, 2005, in Docket No. 06-AROT-038-COC.

Aero primarily provided voice and data services to banks and financial institutions, however, it has not had any active customers in Kansas since 2009, and, therefore, relinquishing its certificate will cause no harm to Kansas consumers.

Aero has a current Annual Interrogatory on file with the Commission. It is in good standing with regard to Commission assessments and Kansas Universal Service Fund assessments.

RECOMMENDATION:

As no customers will be adversely affected by this filing, Staff recommends the Commission approve Aero's request to cancel its Certificate of Convenience and Authority for Competitive Local Exchange Carrier services and its tariffs on file with the Commission within the State of Kansas.

CERTIFICATE OF SERVICE

23-AROT-285-CCS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 09/08/2022.

JOHN J HEITMANN, ATTORNEY
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 CONSTITUTION AVE NW
SUITE 900
WASHINGTON, DC 20001
john.heitmann@nelsonmullins.com

MICHAEL NEELEY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
m.neeley@kcc.ks.gov

/S/ KCC Docket Room

KCC Docket Room